

Anil Vashisth

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Sumeet Goel, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Kamal Chaudhary, Advocate
for the complainant.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The present petition has been filed under Section 439 of Cr.P.C. for grant of concession of regular bail to the petitioner in FIR No. 393, dated 26.10.2020 under Sections 406, 506, 180 and 34 of IPC, 1860, registered at Police Station Sector-31, Faridabad, Haryana.

Learned counsel for the petitioner has submitted that the petitioner has been wrongly and falsely implicated in the present case. He has submitted that as per the allegations, the petitioner was running a company and had allegedly taken an amount of Rs.17,50,000/- from the complainant in different installments but the same has not been paid back.

He has further submitted that there is no evidence with regard to the fact

that the said amount had been paid by the complainant to the company of the petitioner. He has further submitted that be that as it may, even a compromise was arrived at between the parties which has been reproduced at Page-9 of the paper book, wherein, the petitioner has stated that whatever due is against him pertaining to Rs.17,50,000/-, out of which, an amount of Rs.9,00,000/- is to be recovered by the company from his brother-in-law and thereafter adjusting the same, the petitioner further undertakes that he is willing to deposit an amount of Rs.8,50,000/- before the learned trial Court/Illaq Magistrate. He has further submitted that even otherwise also, it is a case of commercial and financial transaction and the case is triable by the Magistrate and the petitioner is not involved in any other case. He has further submitted that the petitioner is in custody since 26.10.2020 and the investigation in the present case is pending against the petitioner and the petitioner himself is ready to deposit the aforesaid amount before the learned trial Court/Illaq Magistrate, concerned.

Mr. Sharma, learned counsel for the State has argued that the allegations are pertaining to the deposit of money by the complainant with the company of the petitioner and the matter is at investigation stage, and, therefore has opposed the grant of concession of regular bail to the petitioner.

Mr. Kamal Chaudhary, Advocate, who is appearing on behalf of the complainant has submitted that various other complaints are also received against the petitioner in this regard. However, he states that in case, the petitioner deposits an amount of Rs.17,50,000/- before the learned trial Court/Illaq Magistrate, then he would not oppose to the grant of

concession of bail to the petitioner.

On this, the learned counsel for the petitioner has submitted that even as per the compromise also the petitioner is to pay an amount of Rs.8,50,000/- after adjusting Rs.9,00,000/-, which is to be recovered from his brother-in-law.

After hearing the learned counsel for the parties and after hearing the submissions made by the learned counsel for the petitioner that he would deposit an amount of Rs.8,50,000/- before the learned trial Court, it is directed that the petitioner shall deposit the same within a period of two weeks from today and thereafter, the learned trial Court shall deposit the said amount in a fixed deposit of a Nationalized Bank. On depositing the amount by the petitioner, the petitioner shall be admitted to bail on his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

December 01, 2020
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No